

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department - Khammam District- Revision Petition filed by Sri Gangireddy Kouleswar Reddy S/o.Narapureddy, R/o.Pandurangapuram (V), Paloncha (M), Khammam District before the Government against the orders of Additional Agent to Government, Bhadrachalam, Khammam District Dated.28.02.2012 in C.M.A No.42/2011 in respect of the land measuring Ac.5.17 gts in Sy.No.81, Pandurangapuram (V), Paloncha (M), Khammam District- Rejected - Orders - Issued.

SOCIAL WELFARE (LTR.2) DEPARTMENT

G.O.MS.No: 11

Dated:29.01.2014
Read the following:-

1. Revision Petition filed by Sri Gangireddy Kouleswar Reddy S/o.Narapureddy, R/o.Pandurangapuram (V), Paloncha (M), Khammam District dated.01.03.2012.
2. Govt.Memo.No.3317/LTR-2/2012,dated.04.04.2012 addressed to the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, Khammam District.
3. From the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, Khammam District ref.RP.No.3317/LTR-2/2012, dated:08.12.2012
4. Govt.Lr.No.3317/LTR-2/2012, dated:30.08.2013.

ORDER:

In the reference first read above, Sri Gangireddy Kouleshwar Reddy (Non-Tribal) S/o.Narapu Reddy, R/o.Pandurangapuram Village, Paloncha Mandal, Khammam District has filed Revision Petition before the Government to set aside the Proceedings of the Additional Agent to Government, Bhadrachalam, Khammam District issued in C.M.A No.42/2011, dt.28.01.2012, wherein he has confirmed the orders of the lower court in LTR case Nos.114/2011/PVC, dt.21.7.2011, in respect of the land Acres 5.17 guntas in Sy.No.81 of Pandurangapuram village, Paloncha Mandal, Khammam District.

2. The Petitioner in his Revision Petition among others has stated that he has purchased the scheduled land under Sada Sale deed dt.2.2.1969 from the father of Sri Banoth Kishan Naik ie., Sri Banoth Ramji. The Lower Court ie., the Additional Agent to Government, Bhadrachalam has filed to consider that the transaction took place prior to Regulation. He has passed orders merely based upon assumptions and presumptions, without considering the grounds raised by him in the Counter Affidavit and documentary evidence filed by him. He has stated that as per revenue records he is in possession of land before the Regulation 1 of 1970 is came into force and there after petitioner developed the land for cultivatable.

3. In the reference 2nd read above, Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, Khammam District was requested to furnish parawise remarks and connected records.

4. The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, Khammam District has furnished parawise remarks and connected records vide reference 3rd read above. The Revision Petition has

(P.T.O)

been posted for hearing on 12.09.2013 and the same has been informed to Petitioner and the Respondents in the reference 4th read above. Both the parties were present.

5. Government consequent on hearing the arguments and on perusal of the record and other material papers, it is observed that the entire claim of the Petitioner Sri G.Kowleswara Reddy depends on the Sada Sale dt.02.02.1969. The said sale is a Xerox copy unregistered unstamped and cannot be treated as sale. Therefore Petitioner failed to prove the sale before the Regulation. He also filed pahani extracts for the years 1969-1970 which shows that the names of the Banoth Peda Bheemla, Banoth Megya, and Banoth Raju as pattadars for the extent Acs.1.32 in Sy.No.81/A, Ac.1.32 in Sy.No.81/AA and Ac.1.33 in Sy.No.81/E respectively and the name of the Gangireddy Kouleswar Reddy, Petitioner as an enjoyer. In the other pahanies 1990-91, 2010-11 also shown that Banoth People are pattadars and Gangireddy Kouleswar Reddy, Petitioner shown as enjoyer by way of sale. These documents are sufficient proof that the Banoth peoples (Tribals) are pattadars.

6. In view of the above, it has been felt that the transfer of the suit land took place in contravention of the LTR 1/59 read with 1/70 and that the Additional Agent to Government, Bhadrachalam has rightly adjudged the C.M.A No.42/2011 filed by Sri Gangireddy Kouleshwar Reddy and another in confirming the lower court orders and to restore the suit land to Sri Banoth Kishan Naik, the Tribal Respondent. It is also seen that the Revision Petitioner in the Revision Petition (Non-Tribe) has not adduced any fresh grounds in support of his claim.

7. Therefore, Government after careful examination hereby uphold the orders of the Additional Agent to Government, Khammam District.

8. The Collector, Khammam District/Additional Agent to Government, Bhadrachalam, Khammam District is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records which are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A. VIDYA SAGAR,
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To:

The Collector & Agent to Government, Khammam District.

The Additional Agent to Government & Project Officer, ITDA

Bhadrachalam, Khammam with RPAD of the following records.

(Case File C.M.A.No.42/2011.)

The Special Deputy Collector(TW) , Bhadrachalam, Khammam District.

Copy to:

Sri Gangireddy Kouleshwar Reddy S/o.Narapu Reddy, R/o. Pandurangapuram village, Paloncha Mandal, Khammam District.

Sri Banoth Kishan Naik, S/o.Ramji, R/o.Pandurangapuram village, Paloncha Mandal, Khammam District.

The P.S to Minister (TW) for information.

The P.S to Principal Secretary to Government (TW).

SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER